



**DLA Piper LLP (US)**  
One Liberty Place  
1650 Market Street, Suite 4900  
Philadelphia, Pennsylvania 19103-7300  
www.dlapiper.com

Joseph Kernen, Esq.  
joseph.kernen@dlapiper.com  
T 215.656.3345  
F 215.606.3345

January 4, 2017

**Via ECF**

The Honorable Valerie Caproni, U.S.D.J.  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, NY 10007

**Re: *Nabi, et al. v. Hudson Group (HG) Retail, LLC, et al.***  
**Case No. 14-cv-4635 (VEC) (S.D.N.Y.)**

Dear Judge Caproni:

We represent Defendants Hudson Group (HG) Retail, LLC, and Airport Management Services, LLC (“Hudson” or “Defendants”), in the above-reference matter. In accordance with the Court’s December 29, 2016 Order (ECF No. 86), we write jointly with counsel for plaintiffs Mohammed Nabi and Rifat Rizvi (“Plaintiffs”) to update the Court on the status of this case and provide the other information previously requested by the Court. In addition, the parties enclose herewith a proposed Civil Case Management Plan and Scheduling Order.

***Status of Discovery.*** As of the date of this letter, the period for members of Plaintiffs’ Fair Labor Standards Act collective to opt into this action has closed. No members of that putative collective opted into this action and, as such, plaintiffs will proceed with their claims solely on an individual basis.

**Defendants’ position:** At this time, Hudson respectfully requests that the Court permit the parties a brief ninety (90) day period to complete any outstanding discovery regarding the Plaintiffs’ individual claims, as well as to engage in the proposed mediation described below (*see* “Prospect for Settlement,” *infra*). Defendants propose that during the first thirty (30) days of aforementioned period, the parties participate in the Southern District of New York’s Mediation Program, with no discovery conducted by either party during that time in order to facilitate resolution of this matter.

**Plaintiffs’ position:** Plaintiffs believe that no further discovery should be allowed. Defendants had already been provided two years to investigate Plaintiffs’ individual claims. To allow further delay prior to trial would be prejudicial and an unnecessary waste of resources. In the parties meet and confer on January 3, 2016, Defendants were not able to identify any



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outstanding discovery that they actually needed, and we believe this is a further attempt to further delay the prosecution of this lawsuit.

***Anticipated Motions.***

Defendants' position: At this time, Hudson anticipates moving for summary judgment with respect to all claims asserted by Plaintiffs. Hudson respectfully requests forty-five (45) days from the close of discovery to make their motion.

Plaintiffs' position: Plaintiffs do not anticipate making any further motions at this time. However, given that the heart of this case goes to exemption issues relating to factual issues of what type of duties the plaintiffs actually engaged in, we believe any motion by Defendants for summary judgment would be frivolous, and is an attempt to increase legal fees and costs.

***Bench or Jury Trial.*** Plaintiffs intend to prosecute their claims in a jury trial.

***Prospect for Settlement.*** The parties believe that with the assistance of a third-party neutral, there is a realistic possibility of settling Plaintiffs' claims in their entirety. Accordingly, the parties respectfully request that the Court refer this action to the Southern District of New York's Mediation Program, with such mediation to be scheduled for late January or early February, 2017.

***Other Issues.*** The parties do not believe that there are further issues to be addressed before the Court at this time.

The parties look forward to further discussing this matter with Your Honor, including potential referral to mediation, at the status conference scheduled for January 6, 2017. We thank the Court for its time and consideration in these matters.

Respectfully submitted,

**DLA Piper LLP (US)**

A handwritten signature in blue ink, appearing to read 'Joseph Kernen', written over a horizontal line.

Joseph Kernen

Enc.

cc: C.K. Lee, Esq. (attorney for Plaintiffs)